



Arnold Schwarzenegger, Governor

DEPARTMENT OF CORPORATIONS

AMENDED 3/25/2009

Dale E. Bonner, Agency Secretary
Preston Du Fauchard, California Corporations Commissioner

AN EQUAL OPPORTUNITY EMPLOYER TO ALL REGARDLESS OF RACE, COLOR, CREED, NATIONAL ORIGIN, ANCESTRY, SEX, MARITAL STATUS, DISABILITY, RELIGIOUS OR POLITICAL AFFILIATION, AGE OR SEXUAL ORIENTATION.

IT IS AN OBJECTIVE OF THE STATE OF CALIFORNIA TO ACHIEVE A DRUG-FREE STATE WORKPLACE. ANY APPLICANT FOR STATE EMPLOYMENT WILL BE EXPECTED TO BEHAVE IN ACCORDANCE WITH THIS OBJECTIVE BECAUSE THE USE OF ILLEGAL DRUGS IS INCONSISTENT WITH THE LAW OF THE STATE, THE RULES GOVERNING CIVIL SERVICE, AND THE SPECIAL TRUST PLACED IN PUBLIC SERVANTS.

EXAMINATION ANNOUNCEMENT FOR CAREER EXECUTIVE ASSIGNMENT (C.E.A.) Deputy Commissioner, Enforcement Division

DEPARTMENT: CORPORATIONS

POSITION TITLE: DEPUTY COMMISSIONER, Enforcement Division

C.E.A. LEVEL: Level 5

SALARY RANGE: \$9,544 - \$13,381

FINAL FILING DATE: April 9, 2009

DUTIES AND RESPONSIBILITIES:

Under the administrative direction of the California Corporations Commissioner, the Deputy Commissioner, Enforcement Division, is responsible for enforcing laws under the Investment and Lender-Fiduciary programs administered by the Department of Corporations. The Deputy Commissioner plans, organizes, directs, and manages the work of a multidisciplinary professional and administrative staff bringing many administrative and civil actions each year. The Deputy Commissioner handles the most sensitive and highly visible legal actions. The Enforcement Division investigates violations of the laws administered by the Department and issues subpoenas, takes testimony, and executes search warrants. The Department issues administrative orders to stop violations of the laws, to deny, censure, suspend, revoke or take possession of licensees, and to censure, suspend or bar individuals from participating in an investment or lender-fiduciary business. The Department brings civil injunctive actions in the name of the People of the State of California to enjoin violations of the laws, to appoint receivers over companies, and to obtain equitable remedies including rescission, restitution and penalties against the violators. The Department also refers violations of laws, under its jurisdiction to the appropriate District Attorney or Attorney General for criminal prosecution, as well as, assist in the investigation and prosecution by the District Attorney and Attorney General.

Specifically, the Deputy Commissioner plans organizes, directs, reviews and manages the work of the Enforcement Division staff consisting of a group of attorneys, examiners and clerical staff. The Deputy Commissioner assists and guides staff in the development, formulation and recommendation to the Commissioner, through study, investigation, prosecution and analysis of legal, economic, financial, industrial and market developments affecting the laws administered by the Commissioner, the adoption or change of policies and procedures and the institution or modification of legal remedies through legal actions. The incumbent advises the Commissioner with respect to interpretation involving questions of law and review opinions, programs and recommendations of rules, policies and operating procedures of the Enforcement Division. Additionally, the incumbent advises the Executive Staff and other Deputy Commissioners on

enforcement matters and legal processes pertaining to the laws administered by the Enforcement Division; confers with, and provides assistance to companies, counsel and other members of the public in relation to investigation, litigation and fraud pertaining to applications and operations of securities enterprises, franchise enterprises and lender enterprises; acts as counsel on the most sensitive cases and/or conducts hearings with respect to the most sensitive cases to be heard by the staff of the Department; makes referrals regarding administrative or civil action on the most sensitive criminal cases and may act as co-counsel on the most sensitive criminal cases; and, hires, trains, mentors and disciplines staff, as appropriate.

MINIMUM QUALIFICATIONS:

Applicants must meet the following minimum qualifications:

Either I

Must be a State civil service employee with permanent civil service status or who previously had permanent status in the State civil service.

Or II

Must be a current or former employee of the Legislature, with two or more consecutive years as defined in Government Code Section 18990.

Or III

Must be a current or former non-selected exempt employee of the Executive Branch with two or more consecutive years (excluding those positions for which salaries are set by statute) as defined in Government Code Section 18992.

Or IV

Must be a person retired from the United States military, honorably discharged from active military duty with a service-connected disability, or honorably discharged from active duty as defined in Government Code Section 18991.

SPECIAL REQUIREMENTS:

Membership in the State Bar of California. (Applicants must have active membership in the California State Bar before they will be eligible for appointment).

KNOWLEDGE AND ABILITIES:

Applicants must demonstrate the ability to perform high administrative and policy influencing functions effectively. Such overall ability requires possession of most of the following more specific knowledge and abilities:

1. Knowledge of the organization and functions of the California State government including the organization and practices of the Legislature and the Executive Branch; principles, practices, and trends of the public administration, organization, and management; techniques of organizing and motivating groups; program development and evaluation; methods of administrative problem solving; principles and practices of policy formulation and development; personnel management techniques; the department's or agency's Equal Employment Opportunity Program; and a manager's role in the Equal Employment Opportunity Program.
2. Ability to plan, organize, and direct the work of multidisciplinary professional and administrative staff; analyze administrative policies, organization, procedures, and practices; integrate the activities of a diverse program to attain common goals; gain the confidence and support of top level administrators and advise them on a wide range of administrative matters; develop cooperative working relationships

with representatives of all levels of government, the public, and the Legislative and Executive Branches; analyze complex problems and recommend effective courses of action; prepare and review reports; and effectively contribute to the department's or agency's equal employment opportunity objectives.

These knowledge and abilities are expected to be obtained from the following kinds of experience with substantial participation in the formulation, operation and/or evaluation of program policies (experience may have been paid or volunteer; in State service, other government settings, or in a private organization):

Extensive managerial and program administrative experience which has included substantial responsibility for a combination of management functions such as program planning; policy formulation; organization coordination and control; and fiscal and personnel management. Where highly technical professional qualifications are of primary importance in performing the duties of a given CEA position, then the above-required experience may have been in a staff capacity exercising professional skills to influence and contribute to program, policy, and methods of providing those professional services. Primary examples are medical doctors and attorneys.

DESIRABLE QUALIFICATIONS:

Administrative experience in a managerial capacity at least equivalent to a Staff Counsel III including the execution and/or evaluation of program policies, legislation, rules, opinions and procedures. Experience must demonstrate the ability to communicate with legislators, local governmental jurisdictions, federal governmental jurisdictions, industry, community, and civic leaders. Experience must demonstrate the development and implementation of policies, legislation, rules, opinions and procedures. Specific desirable qualifications include:

- Broad and extensive experience (5 or more years) and knowledge interpreting, administering, implementing and developing laws, rules, policies and/or opinions.
- Broad and extensive experience planning, organizing, directing and reviewing the work of staff consisting of attorneys and support staff in an investment and/or lender-fiduciary program, and an enforcement program.
- Conducting hearings pertaining to investment and/or lender-fiduciary issues.
- Advising executive management concerning interpretations of law, policies and procedures pertaining to the laws described above regarding investment and/or lender-fiduciary issues.
- Conferring with and providing assistance to companies, counsel and other interested persons and members of the public in relation to problems and questions pertaining to investment and/or lender-fiduciary interpretation of laws; rules and policies which govern investment and/or lender-fiduciary issues.

EXAMINATION INFORMATION:

The examination will consist of an application and Statement of Qualifications evaluation. A departmental screening committee will independently rate each candidate's qualifications for the position against specific job-related evaluation criteria developed from the minimum and desirable qualifications. Candidates will be competitively scored according to their qualifications, experience, and education. A minimum rating of 70% must be attained to obtain list eligibility. All candidates will receive written notification of their examination results.

Interested applicants must submit:

- A Standard State Application (Form 678). The Standard State Application (Form 678) may be obtained through the State Personnel Board's website at: www.spb.ca.gov.
- A Statement of Qualifications with specific information on how your background, knowledge, skills, and abilities meet the minimum qualifications and desirable qualifications. The Statement of Qualifications must discuss the following critical factors, be clear and concise, and no more than three pages in length:
 1. Describe your leadership ability including techniques organizing and motivating groups and/or employees, and your ability to deal effectively with a variety of individuals, organizations, state agencies, and local governments.
 2. Describe your ability and experience in planning, organizing, and directing the work of multidisciplinary professional and administrative staff.
 3. Describe your knowledge of the principles and practices of public administration, organization, and management.
 4. Describe your knowledge of and experience with the California legislative and budgetary processes, State control agencies, and other governmental entities that are necessary for effective program implementation.
 5. Describe an experience that demonstrates your ability to analyze complex and sensitive problems and recommend effective courses of action.

The application and Statement of Qualifications may be the only basis for your final score and rank on the eligible list. Should the departmental screening committee deem it necessary, interviews may be conducted. **APPLICATIONS RECEIVED WITHOUT THE STATEMENT OF QUALIFICATIONS WILL NOT BE ACCEPTED.**

USE AND APPLICATION OF EXAMINATION PROCESS:

The results of this examination will be used solely to fill the Deputy Commissioner, Enforcement Division (CEA Level 5) vacancy. For further information regarding this examination, contact Marisela Mendoza, Examination Analyst, Human Resources Office, at (916) 324-6271 or via e-mail at mmendoza@corp.ca.gov.

FILING INSTRUCTIONS:

A Standard State Application (Form 678) and Statement of Qualifications must be submitted and postmarked by **April 9, 2009**, to the Department of Corporations, Human Resources Office, Examination Unit, 1515 K Street, Suite 200, Sacramento, CA 95814. Applications postmarked, personally delivered, or received via interoffice mail after 5:00 p.m. on the final filing date of **April 9, 2009**, will not be accepted.

If you are personally delivering your application, you must do so between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, on or before the final filing date, to the address listed above.

SPECIAL TESTING

If you have a disability and need special testing arrangements, mark the appropriate box in Part 2 of the Standard State Application (Form 678). You will be contacted to make specific arrangements.

GENERAL INFORMATION

If you meet the requirements stated in this bulletin, you must take this examination, which is competitive. Possession of the entrance requirements does not assure a place on the eligible list. Your performance in the examination described on this bulletin will be compared with the performance of others who take this test, and all candidates who pass will be ranked according to their scores.

The Department of Corporations reserves the right to revise the examination plan to better meet the needs of the service if the circumstances under which this examination was planned change. Such revision will be in accordance with civil service laws and rules and all competitors will be notified.

GENERAL QUALIFICATIONS

Candidates must possess essential personal qualifications including integrity, initiative, dependability, good judgment, and ability to work cooperatively with others.

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California Relay (Telephone) Service for the Deaf or Hearing Impaired:
From TDD Phones: 1-800-735-2929. From Voice Telephones: 1-800-735-2922